



US00D714043S

(12) **United States Design Patent**  
**O'Connor**

(10) **Patent No.:** **US D714,043 S**

(45) **Date of Patent:** **\*\* Sep. 30, 2014**

(54) **SHOE UPPER**

(71) Applicant: **NIKE, Inc.**, Beaverton, OR (US)

(72) Inventor: **Kelly O'Connor**, Beaverton, OR (US)

(73) Assignee: **NIKE, Inc.**, Beaverton, OR (US)

(\*\*) Term: **14 Years**

(21) Appl. No.: **29/492,554**

(22) Filed: **May 31, 2014**

(51) **LOC (10) Cl.** ..... **02-99**

(52) **U.S. Cl.**  
USPC ..... **D2/972**

(58) **Field of Classification Search**  
USPC ..... D2/902, 906-908, 935, 944, 969,  
D2/972-974; 36/45, 50.1, 77 M, 77 R, 83,  
36/88, 113, 114, 126-131  
See application file for complete search history.

(56) **References Cited**

**U.S. PATENT DOCUMENTS**

D87,020 S *	5/1932	Packard	.....	D2/935
D95,954 S *	6/1935	Gordon	.....	D2/972
D238,910 S	2/1976	Persson et al.		
D284,613 S	7/1986	Bernaut		
D294,193 S	2/1988	Brown et al.		
D296,036 S	6/1988	Le		
D311,092 S	10/1990	Hatfield		
D316,927 S *	5/1991	Quan et al.	.....	D2/972
D335,016 S	4/1993	Lozano		
D335,385 S	5/1993	Kawabata		
D335,950 S	6/1993	Claveria		
D339,450 S	9/1993	Smith		
D341,703 S	11/1993	Hatfield et al.		
D342,147 S	12/1993	Morris		
D342,600 S	12/1993	Hatfield et al.		
D347,310 S	5/1994	Johnson et al.		
D347,724 S	6/1994	Teague		

D348,351 S	7/1994	Orzeck		
D348,559 S	7/1994	Preskar		
D363,151 S	10/1995	Vitrac		
D378,014 S *	2/1997	Preskar	.....	D2/969
D386,896 S	12/1997	Fogg		
D438,697 S	3/2001	Matis et al.		
D448,148 S *	9/2001	Matis et al.	.....	D2/969
D499,871 S	12/2004	Teteriatnikov		
D499,875 S	12/2004	Lozano		
D513,855 S	1/2006	Rask		
D513,857 S	1/2006	Hlavacs		
D515,287 S	2/2006	Ardissono		
D528,276 S	9/2006	Fullum		
D537,616 S	3/2007	Campbell		
D544,690 S	6/2007	Mermet		
D549,949 S	9/2007	Portzline		

(Continued)

**OTHER PUBLICATIONS**

Nike Footwear Catalog, 2011 Summer: Men's Footwear: Performance, p. 43, published Aug. 2010, NIKE, Inc., USA.

(Continued)

*Primary Examiner* — Dominic Simone

(74) *Attorney, Agent, or Firm* — Banner & Witcoff, Ltd.

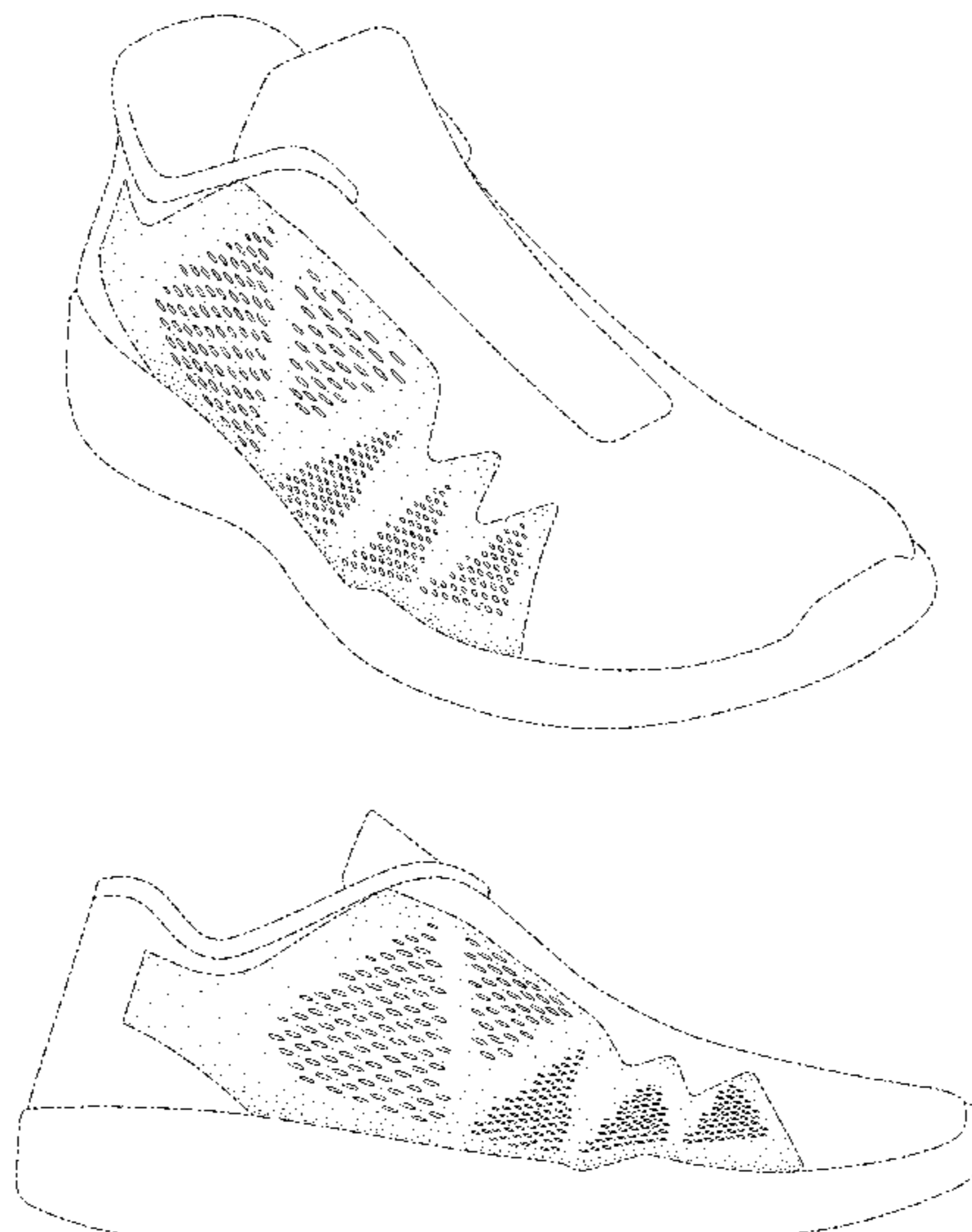
(57) **CLAIM**

The ornamental design for a shoe upper, as shown and described.

**DESCRIPTION**

FIG. 1 is a front perspective view of a shoe upper showing my new design;  
FIG. 2 is a side view thereof; and,  
FIG. 3 is a rear perspective view thereof.  
The broken lines immediately adjacent to the shaded area represent unclaimed boundaries of the design. The broken lines showing the remainder of the shoe are for environmental purposes only and form no part of the claimed design.

**1 Claim, 3 Drawing Sheets**



(56)

**References Cited**

## U.S. PATENT DOCUMENTS

D568,602 S	5/2008	Henderson	
D570,084 S	6/2008	Henderson	
D570,085 S	6/2008	Henderson	
D570,086 S *	6/2008	McDowell	D2/969
D572,889 S *	7/2008	Alfaro	D2/969
D574,587 S *	8/2008	McDowell	D2/969
D574,589 S	8/2008	Edwards et al.	
D575,044 S	8/2008	Alfaro	
D576,384 S *	9/2008	Weber	D2/902
D634,534 S *	3/2011	McMillan	D2/972
D636,582 S *	4/2011	Petrie	D2/972
D636,586 S	4/2011	Williams, Jr.	
D642,784 S *	8/2011	Mayden	D2/972
D645,241 S	9/2011	McCullagh	
D648,110 S	11/2011	Rasmussen	
D648,518 S	11/2011	Chang	
D650,571 S	12/2011	Thornhill	
D675,424 S *	2/2013	Williams, Jr.	D2/972
D678,667 S *	3/2013	Carboy	D2/972
D683,533 S	6/2013	Williams, Jr.	
D689,684 S *	9/2013	McMillan	D2/972
D693,103 S	11/2013	McMillan	
D693,109 S	11/2013	Taylor	
D696,847 S	1/2014	McCullagh	
D696,850 S	1/2014	Miner	
D699,429 S	2/2014	Miner	
D703,932 S	5/2014	Avar et al.	

## OTHER PUBLICATIONS

Nike Footwear Catalog, 2011 Summer: Women's Footwear: Performance, p. 6, published Aug. 2010, NIKE, Inc., USA.

Nike Footwear Catalog, 2011 Summer: Women's Footwear: Performance, p. 29, published Aug. 2010, NIKE, Inc., USA.

Nike Footwear Catalog, 2012 Fall: Core Footwear, p. 7, published Nov. 2011, NIKE, Inc., USA.

Nike Footwear Catalog, 2012 Fall: Core Footwear, p. 10, published Nov. 2011, NIKE, Inc., USA.

Nike Footwear Catalog, 2012 Fall: Core Footwear, p. 18, published Nov. 2011, NIKE, Inc., USA.

Nike Footwear Catalog, 2012 Fall: Core Footwear, p. 19, published Nov. 2011, NIKE, Inc., USA.

Nike Footwear Catalog, 2012 Fall: Core Footwear, p. 35, published Nov. 2011, NIKE, Inc., USA.

Nike Footwear Catalog, 2012 Fall: Men's and Women's Sportswear Footwear Good, p. 12, published Nov. 2011, NIKE, Inc., USA.

Nike Footwear Catalog, 2012 Fall: Men's Footwear Sportswear Best, p. 14, published Nov. 2011, NIKE, Inc., USA.

Nike Footwear Catalog, 2012 Fall: Women's Performance Footwear, p. 11, published Nov. 2011, NIKE, Inc., USA.

Nike Footwear Catalog, 2012 Fall: Women's Performance Footwear, p. 17, published Nov. 2011, NIKE, Inc., USA.

Nike Footwear Catalog, 2012 Holiday: Men's Performance Footwear, p. 27, published Nov. 2011, NIKE, Inc., USA.

Nike Footwear Catalog, 2012 Holiday: Men's Performance Footwear, p. 35, published Nov. 2011, NIKE, Inc., USA.

Nike Footwear Catalog, 2012 Holiday: Men's Performance Footwear, p. 39, published Nov. 2011, NIKE, Inc., USA.

Nike Footwear Catalog, 2012 Spring: Men's and Women's Sportswear Best Footwear, p. 14, published Nov. 2011, NIKE, Inc., USA.

Nike Footwear Catalog, 2012 Summer: Men's Performance Footwear, p. 38, published Nov. 2011, NIKE, Inc., USA.

Nike Footwear Catalog, 2013 Fall: Livestrong Footwear, p. 4, published Nov. 2011, NIKE, Inc., USA.

Nike Footwear Catalog, 2013 Fall: Mens Sportswear Footwear Best, p. 23, published Nov. 2011, NIKE, Inc., USA.

Nike Footwear Catalog, 1994 Fall Footwear, p. 10, published Nov. 1993, NIKE, Inc., USA.

Nike Footwear Catalog, 1994 Late Spring Footwear, p. 4, published Sep. 1993, NIKE, Inc., USA.

Nike Footwear Catalog, 1994 Late Spring Footwear, p. 50, published Sep. 1993, NIKE, Inc., USA.

Nike Footwear Catalog, 1996 Fall Footwear, p. 6, published Dec. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1996 Fall Footwear, p. 24, published Dec. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1996 Fall Footwear, p. 39, published Dec. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1996 Fall Footwear, p. 163, published Dec. 1995, NIKE, Inc., USA.

Nike Footwear Catalog, 1997 Fall Footwear, p. 50, published Dec. 1996, NIKE, Inc., USA.

Nike Footwear Catalog, 1997 Fall Footwear, p. 149, published Dec. 1996, NIKE, Inc., USA.

Nike Footwear Catalog, 1997 Fall Footwear, p. 179, published Dec. 1996, NIKE, Inc., USA.

Nike Footwear Catalog, 1997 Late Spring Footwear, p. 168, published Sep. 1996, NIKE, Inc., USA.

Nike Footwear Catalog, 1998 Fall: Men's Specialty and Women's & Kids' Footwear, p. M10, published Dec. 1997, NIKE, Inc., USA.

Nike Footwear Catalog, 1998 Fall: Men's Specialty and Women's & Kids' Footwear, p. M11, published Dec. 1997, NIKE, Inc., USA.

Nike Footwear Catalog, 1998 Fall: Men's Specialty and Women's & Kids' Footwear, p. M22, published Dec. 1997, NIKE, Inc., USA.

Nike Footwear Catalog, 1998 Fall: Men's Specialty and Women's & Kids' Footwear, p. M23, published Dec. 1997, NIKE, Inc., USA.

Nike Footwear Catalog, 1998 Late Spring Footwear, p. 32, published Sep. 1997, NIKE, Inc., USA.

Nike Footwear Catalog, 1998 Late Spring Footwear, p. 179, published Sep. 1997, NIKE, Inc., USA.

Nike Footwear Catalog, 1998 Late Spring Footwear, p. 180, published Sep. 1997, NIKE, Inc., USA.

Nike Footwear Catalog, 1998 Spring Footwear, p. 187, published Jun. 1997, NIKE, Inc., USA.

Nike Footwear Catalog, 1999 Holiday: Men's and Women's Footwear, p. M26, published Mar. 1999, NIKE, Inc., USA.

Nike Footwear Catalog, 1999 Holiday: Men's and Women's Footwear, p. M27, published Mar. 1999, NIKE, Inc., USA.

Nike Footwear Catalog, 2000 Fall: Men's and Women's Footwear (blue cover), p. 14, published Nov. 1999, NIKE, Inc., USA.

Nike Footwear Catalog, 2000 Fall: Men's and Women's Footwear (blue cover), p. 17, published Nov. 1999, NIKE, Inc., USA.

Nike Footwear Catalog, 2001 Fall: Men's and Women's Footwear, p. 55, published Nov. 2000, NIKE, Inc., USA.

Nike Footwear Catalog, 2002 Fall: Men's and Women's Footwear, p. 91, published Nov. 2001, NIKE, Inc., USA.

Nike Footwear Catalog, 2002 Late Spring: Men's and Women's Footwear, p. 31, published Sep. 2001, NIKE, Inc., USA.

Nike Footwear Catalog, 2002 Late Spring: Men's and Women's Footwear, p. 61, published Sep. 2001, NIKE, Inc., USA.

Nike Footwear Catalog, 2003 Fall: Men's and Women's Footwear, p. 47, published Nov. 2002, NIKE, Inc., USA.

Nike Footwear Catalog, 2003 Fall: Men's and Women's Footwear, p. 95, published Nov. 2002, NIKE, Inc., USA.

Nike Footwear Catalog, 2003 Holiday: Men's, Women's, and Kids' Footwear, p. 11, published Mar. 2003, NIKE, Inc., USA.

Nike Footwear Catalog, 2003 Late Spring: Men's, Women's, and Kids' Footwear, p. 3, published Sep. 2002, NIKE, Inc., USA.

Nike Footwear Catalog, 2004 Fall: Men's, Women's, and Kids' Footwear, p. 47, published Nov. 2003, NIKE, Inc., USA.

Nike Footwear Catalog, 2004 Holiday: Men's, Women's, and Kids' Footwear, p. 25, published Mar. 2004, NIKE, Inc., USA.

Nike Footwear Catalog, 2005 Fall Footwear, p. 15, published Nov. 2004, NIKE, Inc., USA.

Nike Footwear Catalog, 2005 Fall Footwear, p. 16, published Nov. 2004, NIKE, Inc., USA.

Nike Footwear Catalog, 2005 Fall Footwear, p. 17, published Nov. 2004, NIKE, Inc., USA.

Nike Footwear Catalog, 2005 Fall Footwear, p. 119, published Nov. 2004, NIKE, Inc., USA.

Nike Footwear Catalog, 2005 Late Spring Footwear, p. 17, published Aug. 2004, NIKE, Inc., USA.

(56)

**References Cited**

OTHER PUBLICATIONS

Nike Footwear Catalog, 2006 Fall Footwear, p. 16, published Nov. 2005, NIKE, Inc., USA.

Nike Footwear Catalog, 2006 Fall Footwear, p. 20, published Nov. 2005, NIKE, Inc., USA.

Nike Footwear Catalog, 2006 Fall Footwear, p. 28, published Nov. 2005, NIKE, Inc., USA.

Nike Footwear Catalog, 2006 Fall Footwear, p. 74, published Nov. 2005, NIKE, Inc., USA.

Nike Footwear Catalog, 2010 Fall: Performance Footwear, p. 57, published Nov. 2009, NIKE, Inc., USA.

Nike Footwear Catalog, 2010 Holiday: Men's Footwear: Performance, p. 65, published Feb. 2010, NIKE, Inc., USA.

Nike Footwear Catalog, 2011 Fall: Men's Performance Footwear, p. 30, published Nov. 2010, NIKE, Inc., USA.

Nike Footwear Catalog, 2011 Fall: Men's Sportswear Footwear, p. 2, published Nov. 2010, NIKE, Inc., USA.

Nike Footwear Catalog, 2011 Fall: Young Athletes Footwear, p. 3, published Nov. 2010, NIKE, Inc., USA.

Nike Footwear Catalog, 2011 Spring: Men's Athletic Training Footwear, p. 49, published date unknown, but prior to the filing date of the present application, NIKE, Inc., USA.

Nike Footwear Catalog, 2011 Summer: Men's Footwear: Performance, p. 15, published Aug. 2010, NIKE, Inc., USA.

Nike Footwear Catalog, 2011 Summer: Men's Footwear: Performance, p. 41, published Aug. 2010, NIKE, Inc., USA.

\* cited by examiner

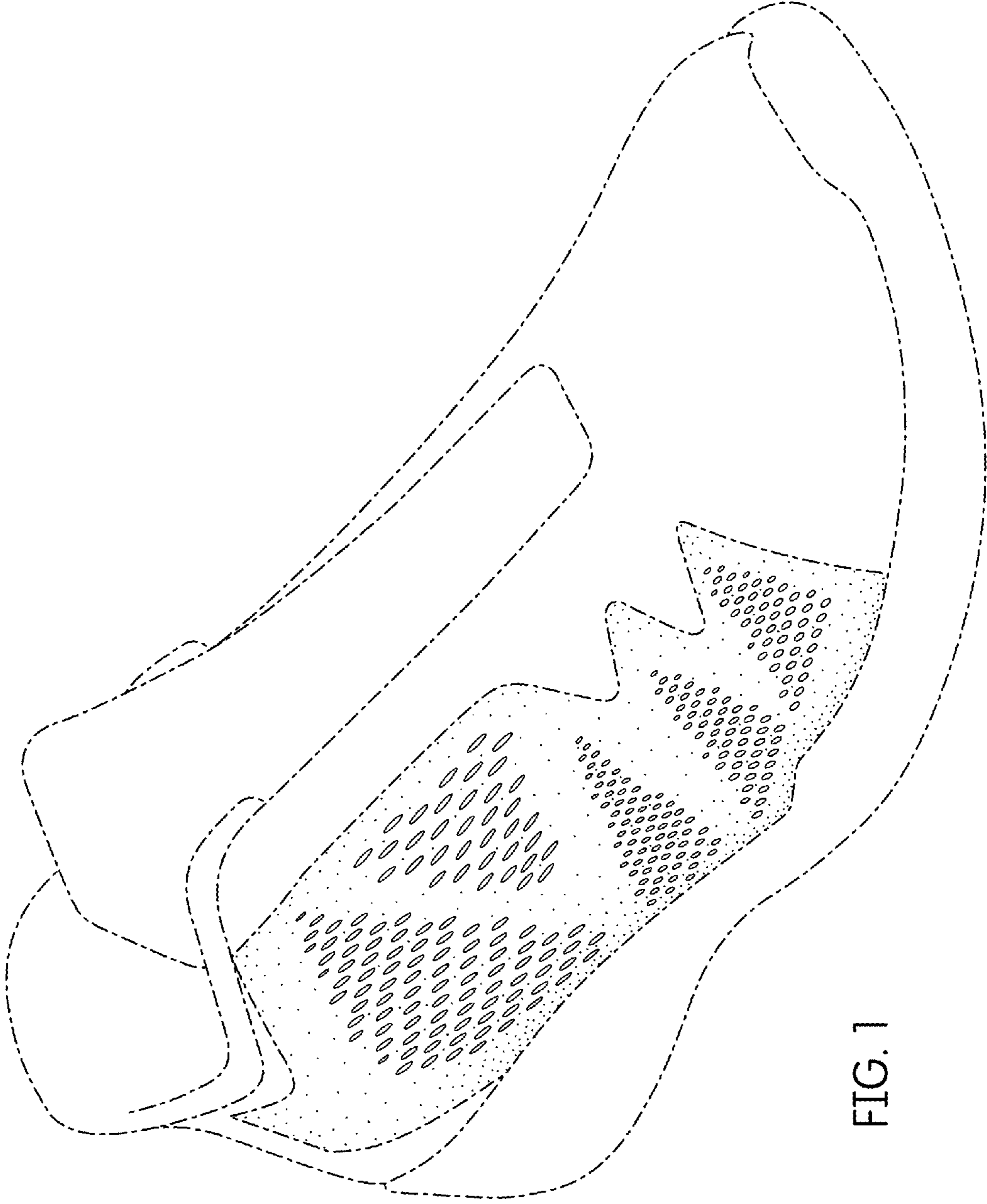


FIG. 1

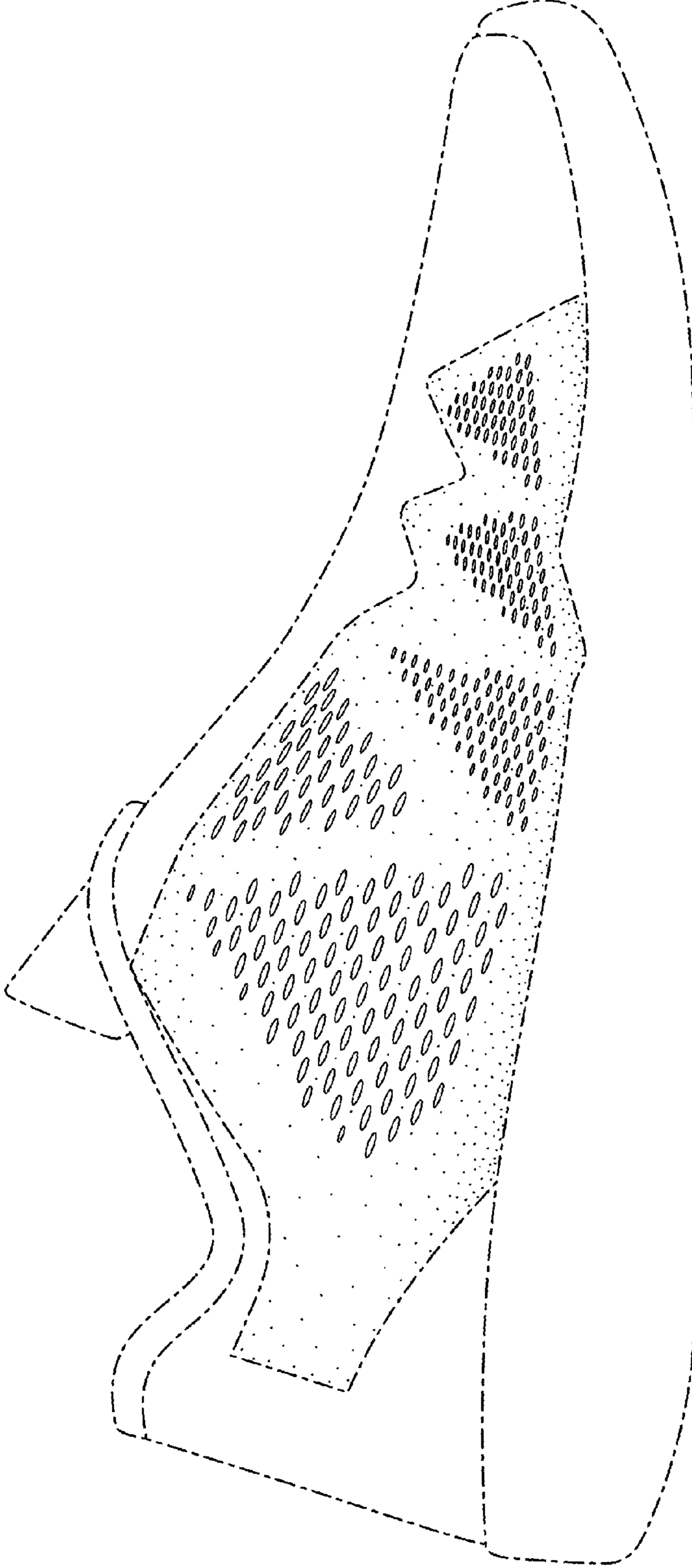


FIG. 2

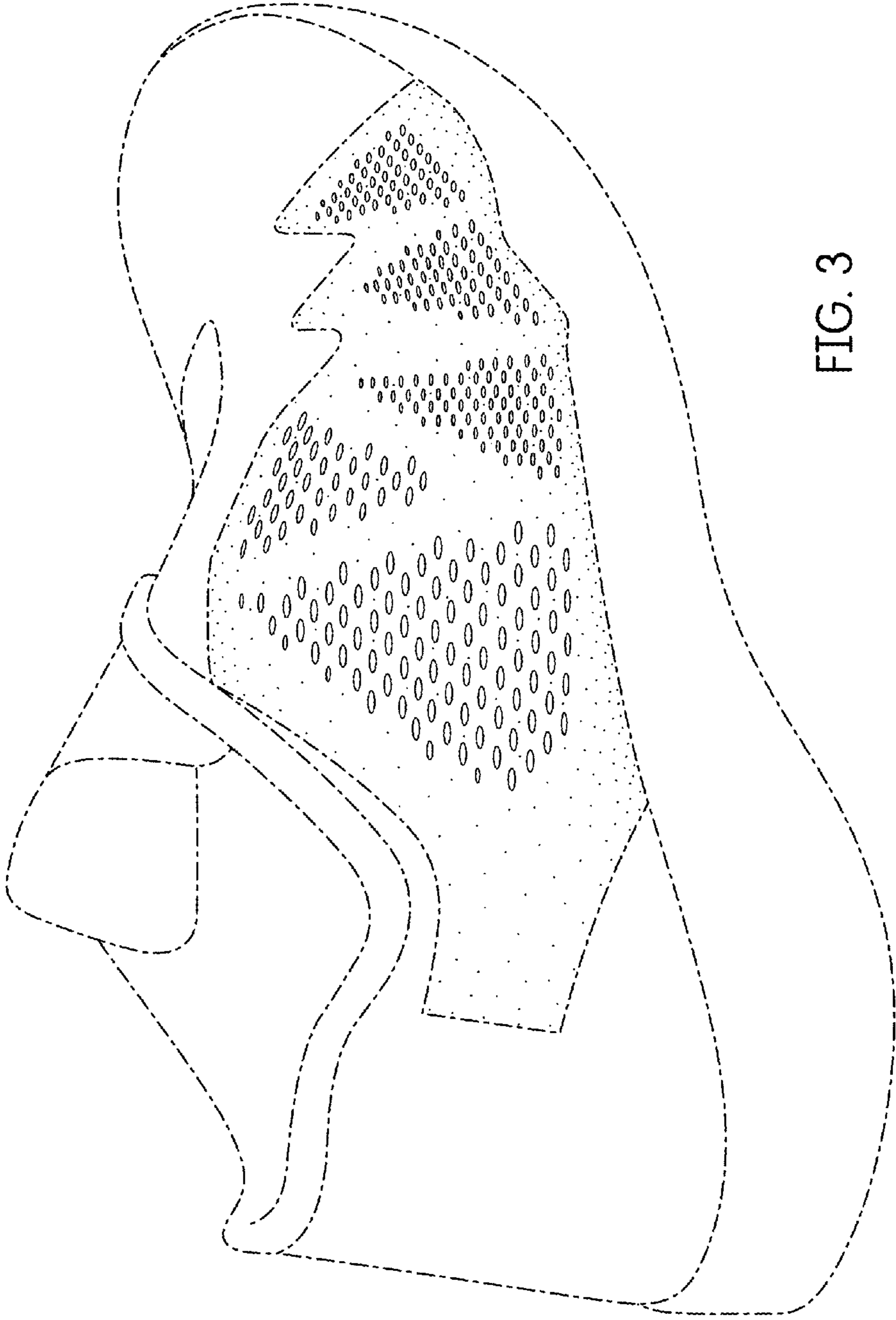


FIG. 3